

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

<b>RICHARD BANKHEAD,</b>	)	
	)	
<b>PLAINTIFF,</b>	)	
	)	<b>CASE NO.: <u>03: 07 CV208-MHT</u></b>
<b>AMERICAN SUZUKI MOTOR CORP., et al.,</b>	)	
	)	
<b>DEFENDANT.</b>	)	
	)	

**PLAINTIFF'S MOTION FOR EXTENSION OF TIME**

COMES NOW, Plaintiff, by and through counsel of record and files this Motion for Extension of Time in response to Defendant's Motion for Summary Judgement. As evidence, Plaintiff's counsel would show as follows:

- (1) Plaintiff's counsel, Stewart S. Wilbanks, learned for the first time on Thursday, January 11, 2008 that Judge Thompson had entered a deadline for responsive motions in regard to Defendant's Motion for Summary Judgement. Until that time, Plaintiff's counsel had relied on Judge Thompson's Uniform Scheduling Order in guidance for the same. Said Order made no mention of a deadline for filing responses to summary judgement.
- (2) Plaintiff's counsel did not receive notification via e-mail of the Judge's Order regarding deadline for responsive motions. To date, Plaintiff's counsel has still not seen Judge Thompson's Order.
- (3) If Plaintiff's counsel had received notification, he would have responded pursuant to Judge Thompson's Order.
- (4) If Judge Thompson's Order had been sent via e-mail to Plaintiff's counsel's

address, then Plaintiff's counsel did not receive the same.

- (5) Plaintiff's counsel did not intentionally fail to respond to the Defendant's Motion for Summary Judgement.
- (6) If extension is not granted, then Plaintiff will be unfairly prejudiced.
- (7) Defendant will not be prejudiced by an extension of time.
- (8) Plaintiff's counsel has contacted Defense counsel and Defense counsel opposes Plaintiff's Motion for Extension of Time.
- (9) Pursuant to Rule 60, the Court may excuse counsel for mistake, inadvertence, surprise or excusable neglect. Respectfully, counsel requests relief from the same.

WHEREFORE, Plaintiff's counsel preys that this Honorable Court will issue an Order requesting relief from the same.

#### **CERTIFICATE OF SERVICE**

I hereby certify that on January 14, 2008, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

OF COUNSEL

Stewart Andrew Kelly  
Lightfoot, Franklin & White, L.L.C  
400 20<sup>th</sup> Street N.  
Birmingham, AL 35203  
[dkelly@lflaw.com](mailto:dkelly@lflaw.com)

John Dickson Mayo  
Lightfoot, Franklin & White, L.L.C  
400 20<sup>th</sup> Street N.  
Birmingham, AL 35203  
[dkelly@lfwlaw.com](mailto:dkelly@lfwlaw.com)

Zachary T. Collins  
Attorney at Law  
207 Montgomery Street  
Ste. 213  
Montgomery, AL 36104  
[zackcollins@tmail.com](mailto:zackcollins@tmail.com)

/s/ Stewart S. Wilbanks  
Plaintiff's Counsel